

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER PRELIMINARY HEARING CHILD REMOVED FROM HOME (CHILD PROTECTIVE PROCEEDINGS), PAGE 1	CASE NO. PETITION NO.
Court address _____		Court telephone no. _____

1. In the matter of
(name(s), alias(es), DOB)

2. Date of hearing: _____ Judge/Referee: _____ Bar no. _____

THE COURT FINDS:

3. The child ☐ is ☐ is not subject to continuing jurisdiction of another court. Court: _____
4. A petition has been submitted alleging that the above child(ren) come(s) within the provisions of MCL 712A.2(b).
- ☐ 5. Notice of hearing was given as required by law.
- ☐ 6. There is good cause to adjourn the preliminary hearing. ☐ Petitioner recommends removal of the child(ren) from the child(ren)'s home to assure the immediate safety of the child(ren).
- ☐ 7. The probable cause determination was waived by all parties present.
8. There is probable cause that one or more of the allegations in the petition are true.
- ☐ 9. There is probable cause the ☐ parent ☐ guardian ☐ legal custodian ☐ other person residing in the child(ren)'s home abused the child(ren). Presence of the alleged abuser in the home ☐ does ☐ does not present a substantial risk of harm to the child(ren)'s life, physical health, or mental well being and he/she ☐ should ☐ should not be ordered out of the home. (Use form JC 65, Order Removing Alleged Abuser from Child's Home as appropriate)
10. It is contrary to the welfare of the child(ren) to remain in the home
☐ because _____ **OR**
☐ because there is probable cause to believe the facts in the petition are true.
11. Based on
☐ the following findings (attach list if more space is needed)

☐ the report _____ dated _____
Identify type of report

☐ testimony of _____ backed up by written transcript
Name

- ☐ reasonable efforts ☐ were ☐ were not made prior to the placement of the child(ren) in foster care, to prevent or eliminate the need for removing the child(ren) from the child(ren)'s home and
- ☐ reasonable efforts ☐ were ☐ were not made to prevent the child(ren)'s removal from child(ren)'s home or to rectify the conditions that caused the child(ren)'s removal from the child(ren)'s home in accordance with MCL 712A.18f(4).
- ☐ reasonable efforts to preserve and unify the family are not required because the court determines that one or more of the requirements of MCR 3.965(D)(2) are met.

(SEE SECOND PAGE)

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STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER PRELIMINARY HEARING CHILD REMOVED FROM HOME (CHILD PROTECTIVE PROCEEDINGS), PAGE 2	CASE NO. PETITION NO.
Court address _____		Court telephone no. _____

In the matter of

- ☐ 12. Parenting time with _____, even if supervised, may be harmful to the child(ren).
- ☐ 13. A petition to terminate parental rights has been filed requiring automatic suspension of parenting time.
- ☐ 14. The child is a member of or eligible for membership in an American Indian tribe or band named _____ (complete and mail Form JC 48). Findings have been made on the record.

IT IS ORDERED:

- ☐ 15. The petition is not authorized pending resumption of the preliminary hearing.
- ☐ 16. The petition is authorized.
17. The child(ren) are placed with _____.
- a. The parent/guardian/legal custodian shall execute all documents necessary to release confidential information regarding the child(ren) including medical, mental, and educational reports. The parent/guardian/legal custodian of the child(ren), within 7 days, shall provide the supervising agency with the name and address of the medical providers for the child(ren). Any medical provider of the child(ren) shall release the medical records of the child(ren) to the supervising agency.
- b. If the child(ren) are placed in the home of a relative, a home study shall be performed by the Family Independence Agency and a copy of the home study submitted to the court not more than 30 days after the placement.
- c. Upon request, the Family Independence Agency shall release to the foster parent the information concerning the child(ren) in accordance with MCL 712A.13a(13).
- ☐ 18. Each child shall have ☐ a psychological evaluation ☐ counseling to determine appropriateness and conditions of parenting time.
- ☐ 19. Parenting time of _____ is as follows:
- ☐ frequent and unsupervised as approved by ☐ frequent and supervised by the Family Independence Agency.
- ☐ suspended while psychological evaluation or counseling is conducted and until ordered by the court.
- ☐ suspending pending proceedings on the termination petition.
- ☐ 20. Parenting time of _____ is as follows:
- ☐ frequent and unsupervised as approved by ☐ frequent and supervised by the Family Independence Agency.
- ☐ suspended while psychological evaluation or counseling is conducted and until ordered by the court.
- ☐ suspending pending proceedings on the termination petition.
21. Placement shall continue pending ☐ resumption of the preliminary hearing ☐ pre-trial ☐ trial ☐ disposition
- on _____.
- Date and time
22. Reimbursement:

☐ 23. Other:

Date

Judge

CHECKLIST FOR ADVICE OF RIGHTS AND GENERAL PROCEDURE FOR PRELIMINARY HEARING

1. ☐ Determine whether parents, guardian, or legal custodian have been notified, are present, and if not present, whether to proceed in their absence.
2. ☐ Determine whether the lawyer-guardian ad litem for the child is present and direct that the lawyer-guardian ad litem for the child receive a copy of the petition.
3. ☐ If the respondent(s) are present, assure that each respondent has a copy of the petition.
4. ☐ Read the allegations in the petition in open court unless waived by all parties present.
5. ☐ Determine whether the petition should be dismissed or the matter referred to alternate services, otherwise the preliminary hearing shall continue.
6. ☐ Advise respondent of right to the assistance of an attorney.
7. ☐ Advise respondent of right to trial on the allegations in the petition and that the trial may be before a referee unless a timely demand for a jury or judge is filed.
8. ☐ Allow respondent an opportunity to deny or admit allegations and make statement of explanation.
9. ☐ If the hearing is held by a referee, advise parties of the right to file a request for review of the referee's recommended findings and conclusions.
10. ☐ Inquire whether the child is subject to the continuing jurisdiction of another Michigan court and, if so, which court.
11. ☐ Inquire if minor or either parent is a member of any American Indian tribe or band, and if so, determine the identity of the child's tribe, follow the procedures in MCR 3.980 and determine whether to continue with the preliminary hearing.
12. ☐ Unless the preliminary hearing is adjourned, decide whether to authorize the filing of the petition, and if authorized, whether to release the child to a parent, guardian, or legal custodian or whether to place the child out of the home as prescribed by MCR 3.965(C) and (D). If this is the first court order authorizing removal of the child, make contrary to the welfare findings regarding the efforts to prevent removal. Reasonable efforts findings must be made now or within 60 days of the date of removal.
13. ☐ Advise parent where additional costs or reimbursement may be assessed.
14. ☐ Having ordered placement of the child outside the child's home, inform the parties of the following:
 - a. That the agency has the responsibility to prepare an initial services plan within 30 days after the child's placement.
 - b. The general elements of an initial services plan as required by the rules promulgated pursuant to 1973 PA 116, MCL 722.111 to 722.128.
 - the background of the child(ren) and the family;
 - an evaluation of the experiences and problems of the child(ren);
 - a projection of the expected length of stay in foster care; and
 - an identification of specific goals and projected time frames for meeting the goals.
 - c. That participation in an initial services plan is voluntary without court order.
 - d. That, on motion of a party, the court will review the initial service plan and may modify the plan if it is in the best interests of child.
15. ☐ Having found the alleged abuser should be ordered out of the home, complete JC 65, Order Removing Alleged Abuser from Child's Home.